



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of
Machteld M. Mertens et al

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DECISION ON
PETITION

Serial No. 10/002,241

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Filed: October 23, 2001

For: SYNTHESIS OF SILICOALUMINOPHOSPHATES :

This is a response to the PETITION FOR WITHDRAWAL OF ABANDONMENT UNDER 37 C.F.R. 1.181(a), filed February 18, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of January 26, 2004 for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed September 24, 2003, be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed September 24, 2003 were not received by the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the petitioner. The evidence provided includes a statement by the petitioner that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed September 24, 2003 were not received. Also provided is a print out copy of the Attorney's PC Master (Attachment A) showing docket



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numbers having response due from December 23, 2003 through December 26, 2003, where the issue fee due day for SN 10/002,241 (Attorney Docket Number 2001B099) would have been posted had the Notice of Allowability and Notice of Allowance and Issue Fee Due of September 24, 2003 been timely received.

Therefore, the Notice of Abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

Jmstone

Jacqueline Stone, Director
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